

Hon. Mr. R. McKenzie.

MINING AMENDMENT.

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p>2. Prospecting over endowments or public reserves.</p> <p>3. Section 87 of principal Act extended.</p> <p>4. Minerals associated with gold.</p> <p>5. Liens on dredges.</p> <p>6. Mine-manager.</p> <p>7. Medical examination not to be required on employment in mine.</p> <p>8. Right of inspection by miners. Repeal.</p> <p>9. Monthly returns of registrations. Repeal.</p>	<p>10. Destruction of surface of pastoral land.</p> <p>11. Easement with respect to moving dredges.</p> <p>12. Miners may appoint check-weighman. Check-weighman not to interrupt the working of the mine. May be removed by Court if he interrupts. Payment of check-weighman.</p> <p>13. Where persons employed are paid by measure or gauge.</p> <p>14. Weights and Measures Act to apply.</p> <p>15. Miscellaneous amendments to principal Act.</p>
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A BILL INTITLED

AN ACT to amend the Mining Act, 1908.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

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| <p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> | <p>1. This Act may be cited as the Mining Amendment Act, 1909, and shall form part of and be read together with the Mining Act, 1908 (hereinafter referred to as the principal Act).</p> <p>2. Notwithstanding anything in section sixty-seven of the principal Act, prospecting warrants and prospecting licenses may, with the consent of the trustees, be granted in respect of any endowment or public reserve.</p> <p>3. Notwithstanding anything to the contrary in section eighty-seven of the principal Act, in the case of an application for a dredging claim comprising portion of a stream which has been previously held as a dredging claim and abandoned, or in the case of an application for a dredging claim where the ground to be dredged is of shallow depth, the Warden may, in his discretion, but subject to the approval of the Minister, grant to the applicant a special dredging claim of any shape but not exceeding ten miles in length or five hundred acres in area.</p> <p>4. Notwithstanding anything in section ninety-six of the principal Act, where gold is associated with other metals or minerals a special claim may be granted, and the holder thereof shall be entitled to all metals or minerals within the boundaries of the claim, and to mine for or remove the same.</p> <p>5. The provisions of section two hundred and fourteen of the principal Act shall extend and apply to wages or contract-moneys earned on a dredge while the dredge is on a claim or in course of removal to or from a claim.</p> <p>6. (1.) Every mine shall be under the control and personal supervision of a mine-manager from time to time appointed by the owner of the mine.</p> | <p>Title.</p> <p>Short Title.</p> <p>Prospecting over endowments or public reserves.</p> <p>Section 87 of principal Act extended.</p> <p>Minerals associated with gold.</p> <p>Liens on dredges.</p> <p>Mine-manager.</p> |
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(2.) The name and address of every person so appointed shall be notified in writing to the Inspector.

(3.) If any mine is worked for more than three days without there being such a manager for that mine, or without notification of his name and address being given as aforesaid, the owner of the mine shall be liable to a fine not exceeding *fifty* pounds. 5

(4.) The name of the manager of the mine for the time being shall be posted and kept posted in some conspicuous place at the entrance to the mine.

(5.) The provisions of section two hundred and twenty-eight of the principal Act shall not apply to the manager of any mine where the number of persons employed in the mine does not exceed twelve.

Medical examination not to be required on employment in mine.

7. (1.) It shall not be lawful for the owner or manager of any mine or for any person in charge of a mine to require any person over the age of eighteen years who is employed in the mine, or applying to be so employed, to be medically examined or to produce a medical certificate that he is in a good or sound state of health. 15

(2.) Every person who commits a breach of this section is liable for a first offence to a fine of *fifty* pounds, and for the second or any subsequent offence to a fine of *one hundred* pounds. 20

Right of inspection by miners.

8. (1.) Where workmen are employed in a mine, and any of the workmen so employed are members of an industrial union of workers formed in connection with the gold-mining industry, and registered under the Industrial Conciliation and Arbitration Act, 1908, the said union may, at its own cost, appoint any two persons (hereinafter called "workmen's inspectors") to inspect the mine, whether those persons are employed in the mine or not. 25

(2.) The workmen's inspectors shall have full liberty to visit and inspect every part of the mine, its machinery, treatment plant, and workings, once at least in every month. 30

(3.) Prior to any such inspection notice in writing, signed by the secretary of the union, shall be served on the certificated manager of the mine.

(4.) The mine-owner and mine-manager may accompany the workmen's inspectors in their inspection, and shall give them full and free facilities for the inspection. 35

(5.) The workmen's inspectors shall make a full and faithful report in writing of the result of their inspection, which report shall be signed by them, and they shall furnish a copy thereof to the owner or manager of the mine, who shall cause the same to be recorded in a book kept at the office of the mine. 40

(6.) Such book shall at all reasonable times be open to the inspection of any Inspector, or of any workman employed in the mine, or of any officer of the said union, who may take copies of or extracts from the reports recorded therein. 45

Repeal.

(7.) Section two hundred and sixty-four of the principal Act is hereby repealed.

Monthly returns of registrations.

9. (1.) The Warden shall furnish to the Minister a monthly return in the prescribed form, setting forth the particulars of all licenses, transfers, forfeitures, and other transactions registered by the Mining Registrar during the preceding month. 50

Repeal.

(2.) Section four hundred and five of the principal Act is hereby repealed.

10. Wardens shall have power when granting any license, either in respect of Crown or private lands, to impose such conditions, terms, or reservations as shall tend to obviate the destruction of the surface of pastoral or agricultural land the subject of the license.

Destruction of surface of pastoral land.

5 11. For the purpose of facilitating the carrying-on of mining operations by means of dredging the following special provisions shall apply:—

Easement with respect to moving dredges.

10 (a.) The Warden, on application in that behalf, may by certificate of easement grant in respect of any private land within a mining district the right to lay the head-lines and side-lines of a dredge along or over any such land, and to fix the same on such land by any of the means commonly employed in working a dredge for gold-mining.

15 (b.) The application shall be made, notified, and disposed of in manner prescribed by section one hundred and sixty-five of the principal Act, except that it shall not be necessary to advertise the same unless the Warden so directs.

20 (c.) The application, if granted, may be granted on such terms and conditions and for such period as the Warden thinks fit, and shall in every case be deemed to be granted subject to the condition that the grantee in acting under the grant shall not interfere with the reasonable and lawful use of such land, except in so far as is reasonably necessary in order to give effect to the grant.

25 (d.) Every owner and occupier of such land shall be entitled to full compensation for all actual or prospective loss or damage that may be suffered by him by reason of the grant or the exercise by the grantee of the rights thereby conferred on him, and the Warden may order security to be given by deposit of money in Court or otherwise for the payment of such compensation, and on such security being given the grantee shall be entitled to exercise the rights so granted.

30 (e.) If within one month after the issue of such certificate of easement the amount of the compensation is not agreed on between the parties, the same shall be determined, at the option of any person entitled to compensation, either by the Warden or by the Warden and assessors in manner provided by section one hundred and thirteen of the principal Act, the provisions whereof shall accordingly apply.

35 12. (1.) The persons who are employed in a mine to which this Act applies, and are paid according to the weight of the material gotten by them, may, at their own cost, station a person (in this Act referred to as "a check-weighman") at the place appointed for the weighing of such material in order to take an account of the weight thereof; and if in any mine reasonable facilities are not afforded to him for taking such account, the owner and agent of the mine shall each be guilty of an offence against this Act.

Miners may appoint check-weighman.

50 (2.) The check-weighman shall not be authorised in any way to impede or interrupt the working of the mine or to interfere with the weighing, but shall be authorised only to take such account as aforesaid, and his absence shall not be a reason for interrupting or delaying such weighing.

Check-weighman not to interrupt the working of the mine.

55 (3.) If a check-weighman impedes or interrupts the working of the mine, or interferes with the weighing, or otherwise misconducts

May be removed by Court if he interrupts.

himself, the owner or agent may complain to the nearest Warden's Court, which, if it thinks fit, may call upon the check-weighman to show cause against his removal.

(4.) The Court shall hear the parties, and, if it thinks that sufficient ground is shown to justify the removal of the check-weighman, may make a summary order for his removal, and he shall thereupon be removed. 5

(5.) The Court may in every case make such order as to the cost of the proceedings as it thinks just.

Payment of
check-weighman.

(6.) The payment of a check-weighman appointed by the persons employed in a mine shall be a charge upon every miner employed in the mine and getting material by weight in the said mine, and may be recovered from any such miner. 10

Where persons
employed are
paid by measure
or gauge.

13. If the persons employed in a mine are paid by the measure or gauge of the material gotten by them, the provisions of the *last preceding* section shall apply in like manner as if the term "weighing" included measuring and gauging, and the terms relating to weighing shall be construed accordingly. 15

Weights and
Measures Act to
apply.

14. The Weights and Measures Act, 1908, shall apply to the weights and machines used in or at any mine for weighing material; and the Inspector shall, once at least in every three months, without unnecessarily impeding or interrupting the working of the mine, inspect and examine, in manner directed by the said Act, the weighing-machines and weights so used, or the measures or gauges used at or in such mines in lieu of weights. 20 25

Miscellaneous
amendments to
principal Act.

15. The principal Act is hereby further amended in manner following:—

- (a.) As to section nine, by omitting the words "by Order in Council."
- (b.) As to section thirty-nine, subsection (2), by adding the words "Provided that the provisions of section one hundred and seventy-seven of the Land Act, 1908, shall not apply to leases of land within a mining district." 30
- (c.) As to section ninety-seven, by adding, at the end of the section, the words "or men employed on contract but not on tribute." 35
- (d.) As to section ninety-eight, by omitting the words "worked in conjunction with one another" in paragraph (b), and substituting the words "which are being actually worked in conjunction with one another, or for the ultimate working of which in conjunction with one another a *bona fide* scheme of working has been arranged." 40
- (e.) As to section ninety-nine, by adding, at the end of subparagraph (ii) of paragraph (b), the words "Provided that if in the case of any claim the Warden is satisfied that on account of climatic conditions work cannot be carried on during at least three months of the year, the rent shall not exceed *five* shillings per acre for any year." 45
- (f.) As to section one hundred and sixty-one, by adding, at the end of paragraph (d), the words "except in cases mentioned in subparagraphs (i) and (ii) of the *last preceding* paragraph, in which cases there shall be no limit upon the discretion of the Minister." 50

- (g.) As to section one hundred and eighty-five, by omitting the word "twelve" in paragraph (e), and substituting the word "six."
- 5 (h.) As to section two hundred and sixteen, subsection (2), by inserting after the words "amount of the lien," the words "together with such costs, if any, as the Warden allows."
- (i.) As to section two hundred and thirty-three, subsection (1), by inserting, after the words "pass such examination," the words "in not more than two subjects."
- 10 (j.) As to section two hundred and fifty-four, subsection (1), by omitting the words "such appliances" in subparagraph (a), and substituting the words "an adequate jet or spray of water or such other appliances."
- 15 (k.) As to section two hundred and fifty-four, subsection (3), by omitting the words "three feet directly below or within" and also the word "other" in subparagraph (b).
- (l.) As to section two hundred and fifty-four, subsection (9), by omitting the words "not less than three nor more than four," and substituting the word "three."
- 20 (m.) As to section two hundred and fifty-four, by inserting, after paragraph (37), the following:—
 "(37A.) Where compressed air is used as the motive power for any machinery, the air-receiver or air-pipe shall have a pressure-gauge so fixed that the engine-driver shall have an uninterrupted view of the pressure-gauge."
- 25 (n.) As to section two hundred and fifty-eight, by omitting from paragraph (a) of subsection (1) thereof the words "duly certificated mine-manager, or a duly qualified mining engineer," and substituting the words "mine-manager holding a first-class certificate of competency"; and adding the following subsection:—
 "(4.) In the case of a mine in which not more than twelve men are employed the Inspector may by notice in writing require the manager or other person in charge of the mine to comply with such of the provisions of this section as are specified in the notice."
- 30 (o.) As to section two hundred and sixty-nine, by inserting, after the word "mine-manager" in paragraph (b), the words "or other person in charge of the mine"; and omitting the words "appointed under section two hundred and sixty-four hereof."
- 35 (p.) As to section two hundred and seventy-one, by omitting paragraph (e) and substituting the following:—
 "(e.) The Inspecting Engineer of Mines, or any other officer of the Mines Department who is authorised in writing by the Minister, may at any time enter and inspect any mine."
- 40 (q.) As to section three hundred and forty-three, by omitting the words "nearest to," and substituting the words "at the place most convenient of access from."
- 50 (r.) As to section three hundred and fifty-six, by omitting the word "pioneer" wherever it occurs.
- (s.) As to section three hundred and fifty-eight, subsection (2), by omitting paragraph (b).
- 55 (t.) As to section three hundred and eighty-seven, by omitting paragraph (a).